



Collier, Shannon, Rill & Scott  
Attorneys-at-Law

1055 Thomas Jefferson Street, N. W.  
Washington, D. C. 20007

Telephone: (202) 342-8400

Telecopier: (202) 388-5534

Telex: 440665 CSRS UI

Writer's Direct Dial Number

202-342-8514

May 16, 1988

Robert A. Collier (1917-1984)

Thomas F. Shannon

James F. Rill

William W. Scott

David A. Hartquist

Richard S. Silverman

R. Timothy Columbus

Lauren R. Howard

Paul D. Cullen

Kathleen E. McDermott

Michael D. Sherman

Mark L. Austrian

Jeffrey W. King

Joel Yohalem

John B. Williams

Paul C. Rosenthal

Gary Jay Kushner

Robert N. Steinwurtzel

James R. Loftis, III

John L. Wittenborn

Jeffrey L. Leiter

Michael R. Kershow

Jeffrey S. Beckington

Robert L. Meuser

Judith L. Oldham

Patrick B. Fazzone

Jeanne M. Forch

Laurence J. Lasoff

Christopher J. MacAvoy

Kathleen Weaver Cannon

Patrick J. Coyne

Daniel J. Harrold

T. Michael Jankowski

Carol A. Mitchell

Frederick D. Baker

Joel M. Mitnick

K. Michael O'Connell

B. Michael Hodge

Mark D. Dopp

Mary T. Staley

Robert M. Huber

J. Keith Ausbrook

Gerard P. Fox

Rosanne A. Hurwitz

Robin H. Beeckman

Anne M. Coffey

**CONFIDENTIAL: THIS LETTER CONTAINS CONFIDENTIAL  
BUSINESS INFORMATION WHICH IS SUBJECT TO PROTECTION  
UNDER 40 C.F.R. § 2.201, ET SEQ.**

Mr. Lawrence Falkin  
U.S. Environmental Protection Agency  
Region III  
CERCLA Removal Enforcement Section (3HW14)  
841 Chestnut Building, 6th Floor  
Philadelphia, Pennsylvania 19107

Dear Mr. Falkin:

We are writing on behalf of Norton Petroleum Company ("Norton") in response to your letter seeking information under section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") and section 3007 of the Resource Conservation and Recovery Act ("RCRA"), regarding Norton's involvement with the Metro Container Corporation site, Trainer, Pennsylvania. This letter follows our earlier letter dated April 22, 1988, requesting an extension of time until May 27, 1988 to respond, and your subsequent telephone call confirming an extension only until May 15, 1988. Accordingly, this response is timely.

Norton has conducted an extensive search of its business records. These records indicate that in the period from May 1974 through December 1987, Norton sent to Metro Container and its predecessors (hereinafter referred to collectively as "Metro") several 55-gallon drums for reconditioning. Norton used these drums exclusively for the purpose of dispensing to its customers petroleum products which are exempt from the definition of "hazardous substance" under CERCLA section 101(14). Norton did not arrange for the disposal of any hazardous substances with Metro; nor did it send or transport any hazardous substances to the site. Norton sent to Metro drums that had

been emptied by Norton's customers. Norton's company policy is that it shall not retrieve used drums of its products unless those drums have been emptied. All drums sent to Metro were retrieved from its customers pursuant to and in accordance with this company policy.

The following answers are provided to the specific questions contained in the information request.

**Request 1.** The types and quantities of hazardous substances generated or transported by Norton and sent to, transported to or disposed of at the site.

**Response:** No hazardous substances were generated or transported by Norton and sent to, transported to or disposed of at the site. All drums returned to the site were empty. All drums which were used by Norton contained only petroleum products, which are exempt from the definition of hazardous substance in CERCLA section 101(14).

**Request 2.** Quantities and residual contents of unwashed 55-gallon drums or containers which Norton generated or transported and which were sent to, transported to, or disposed of at the site whether or not they contained hazardous substances.

**Response:** Norton sent a total of approximately 15,000 55-gallon drums to Metro Container for reconditioning. All drums shipped to Metro for reconditioning were empty when shipped. Any residual contents contained in the drums shipped to Metro consisted of residual petroleum products, which are exempt from the definition of hazardous substances under CERCLA.

**Request 3.** The dates such substances and/or containers were sent to, transported to, or disposed of at the site.

**Response:** The empty drums were shipped to Metro from the period May 22, 1974 to December 18, 1987.

**Request 4.** Any correspondence between Norton and any regulatory agencies regarding such substances and/or containers.

**Response:** Norton did not engage in any correspondence with any regulatory agencies regarding the above-described containers.

**Request 5.** Any correspondence between Norton Petroleum and Metro Container Corporation, Metro Enterprise Container Corporation, or Universal Container Corporation or any other third-party regarding such substances and/or containers.

**Response:** All correspondence between Norton and Metro regarding the above-described containers is attached. Correspondence was not available for the period from 1974 through 1977. For this period, the number of drums shipped was determined from Norton's cash disbursements ledger. Norton paid Metro for reconditioning of drums sent to Metro by Norton. The number of drums for each transaction was determined by dividing the total disbursements by the unit price for drum reconditioning. Correspondence from the period 1975 through 1987 are enclosed herein.

Mr. Lawrence Falkin  
May 16, 1988  
Page 3

Collier, Shannon, Rill & Scott

ORIGINAL  
L (Red)

These correspondence consist of invoices from Metro for the sale of reconditioned drums, invoices from Norton for the return of used, empty drums for reconditioning, customer orders from Metro indicating orders from Norton for reconditioned drums, and receiving records from Metro indicating the return of empty drums by Norton.

**Request 6.** The identity of, and documents related to, any other persons who generated, treated, stored, transported, or disposed, or who arranged for the treatment, storage, disposal, or transportation of such substances and/or containers to the site.

**Response:** Norton has no knowledge of or records relating to any such person.

**Request 7.** Copies of any deeds, rights-of-way, leases, or other real interests which Norton has or had in the site.

**Response:** Norton has had no such real interests in the site.

**Request 8.** Whether the substances or containers described above were sent to or transported to the site for disposal, or reconditioning and return or reconditioning and resale by Metro Container Corporation or Metro Enterprise Container Corporation or Universal Container Corporation.

**Response:** Norton sent all containers to Metro for reconditioning and return.

The request for information also asks Norton to describe any documents maintained by Norton of the transactions with Metro. These documents are described above in the Response to Request 6, and are enclosed herein. Norton also maintains records in the form of invoices for products which Norton sold to Metro during the period from January 20, 1982 to October 30, 1987. These products consisted of petroleum products and supplies sold to Metro for use in its business. All products were sold to Metro as virgin supplies, and not for recycling or reclamation. All documents related to transactions between Norton and Metro are maintained under the custodianship of Mr. Barry Norton, President, Norton Petroleum Corporation, 290 Possum Park Road, Newark, Delaware 19711. These documents were identified after an exhaustive search of Norton's records.

Finally, the request for information inquires regarding any insurance Norton may have against releases of hazardous wastes or substances as a result of the handling of such materials. Norton has determined that it has no such insurance.

### **CONCLUSION**

As the responses above indicate, Norton has identified drums shipped by it to Metro which may have been "unwashed." In any event, however, any residual materials contained in drums shipped to the site consisted only of petroleum products exempt from the definition of hazardous substance under CERCLA. Virtually all of Norton's business records, including purchase orders, invoices, shipping documents and payment ledgers were reviewed in the course of this investigation. Accordingly, it is unlikely that additional records will be found. Nevertheless, Norton will continue its attempts to fully characterize its relationship, if any, to the Metro Container site. Any information

Mr. Lawrence Falkin  
May 16, 1988  
Page 4

Collier, Shannon, Rill & Scott

adduced in the future will be provided to you. In the meantime, we would appreciate your providing any specific information you may have regarding Norton's involvement, including your preliminary evaluations of whether and to what extent responsibility will be allocated to Norton. We would also appreciate information regarding the Metro site itself, including the nature and extent of releases or threatened releases of hazardous substances, the identification of other potentially responsible persons ("PRPs") and the extent of their involvement with the Metro site, and the status of any federal or state removal or remedial actions. This request is made pursuant to section 122 of CERCLA, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA").

Norton submits all of the information contained herein, as well as all of the enclosed documents under a claim of business confidentiality pursuant to 40 C.F.R. Section 2.203(b).

If you have any questions or comments, please do not hesitate to call.

Sincerely,



John L. Wittenborn

cc: Mr. Barry Norton